

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESEARCH IN MOTION CORPORATION
Petitioner,

v.

MOBILEMEDIA IDEAS LLC
Patent Owner.

Case IPR2013-00016 (JYC)
Patent 6,441,828

Before SALLY C. MEDLEY, KEVIN F. TURNER, and JONI Y. CHANG,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

On October 12, 2012, Research In Motion Corporation and Research In Motion Limited (collectively, “RIM”) filed a petition, requesting an *inter partes* review of claims 6, 7, 15, 17, and 18 of U.S. Patent 6,441,828 (“the ’828 patent”). (Paper 1, “Pet.”) MobileMedia Ideas LLC (“MobileMedia”) waived the patent owner preliminary response. (Paper 15.) We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a) which provides:

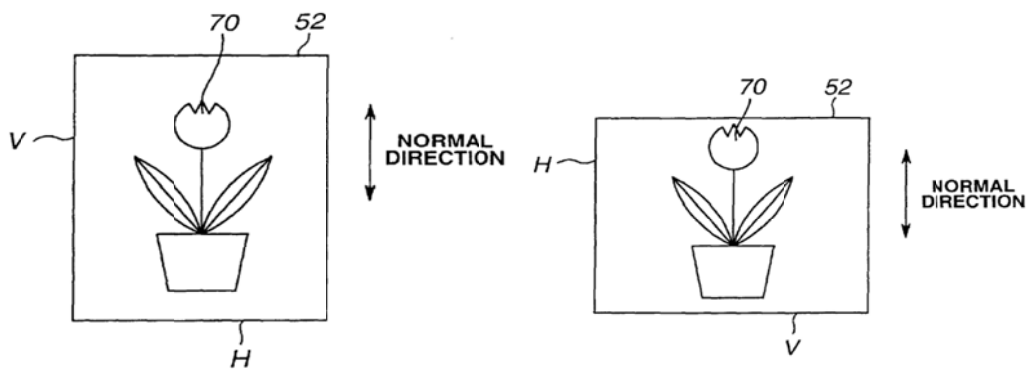
THRESHOLD -- The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

We determine that the information presented in the petition demonstrates that there is a reasonable likelihood that RIM would prevail with respect to claims 6, 7, 15, 17, and 18. Accordingly, we authorize an *inter partes* review to be instituted for the ’828 patent.

RIM identifies the following matters as matters which would affect or be affected by a decision in this proceeding: *MobileMedia Ideas LLC v. Apple, Inc.*, 10-cv-00258 (D. Del.); *MobileMedia Ideas LLC v. Research In Motion Ltd. et al.*, 11-cv-02353 (N.D. Tex); and *Sandisk Corp. v. Mobile MediaIdeas LLC*, 11-cv-00597 (N.D. Cal.). (Pet. 1.)

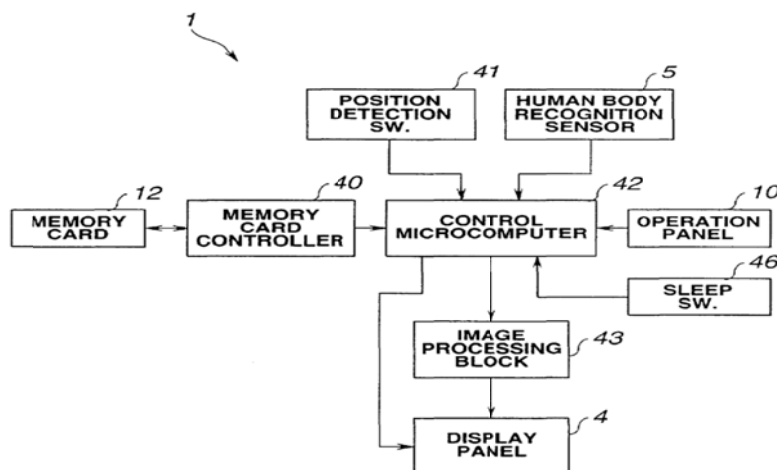
A. The '828 Patent

The '828 patent relates to an apparatus (*e.g.*, an electronic picture frame) for displaying a digital image in a normal direction regardless of whether the apparatus is placed with the shorter or longer side down. (Ex. 1001, 1:6-8, 1:65-67.) Figures 16A and 16B of the '828 patent are reproduced below:



Figures 16A and 16B show the direction of the displayed image.

Figure 6 of the '828 patent, reproduced below, depicts a schematic block diagram of an image display apparatus:



As shown in Figure 6 of the '828 patent, the image display apparatus 1

has a memory card 12, memory card controller 40, control microcomputer 42, image processing block 43, and a display panel 4 (*e.g.*, a liquid crystal display (LCD)). (Ex. 1001, 3:38-41; 5:48-59.) To display an image recorded in the memory card 12, the control microcomputer 42 reads the compressed image data from the memory card 12 via the memory card controller 40 and stores them into a built-in dynamic random-access memory (DRAM). (Ex. 1001, 5:51-59.) The compressed image data is decompressed in an image processing block 43 and then the decompressed image data is stored back into the DRAM. (*Id.*) The image data in the DRAM is processed by the image processing block 43 for display on the display panel 4. (*Id.*)

B. Representative Claim

Of the challenged claims, claim 6 is the only independent claim. Claims 7, 15, 17, and 18 depend from claim 6, which is reproduced as follows:

6. An image displaying apparatus for displaying image data read from a recording medium, comprising:

image signal generating means for generating an image signal for display based on image information read from the recording medium;

image displaying means for displaying the image signal produced by the image signal generating means; and

means for determining a direction in which an image of the image signal is to be displayed on the image displaying means according to a posture in which the apparatus is placed and information on a direction in which an image of the image signal is to be displayed read from the recording medium.

C. Prior Art Relied Upon

RIM relies upon the following prior art references:

Helms	U.S. Patent 5,760,670	June 2, 1998	(Ex. 1003)
Kagle	U.S. Patent 6,148,149	Nov. 14, 2000	(Ex. 1005)
Anderson	U.S. Patent 6,262,769	Jul. 17, 2001	(Ex. 1002)
Jacklin	U.S. Patent 6,396,472	May 28, 2002	(Ex. 1006)
Nagasaki	EP 0587 161 A2	Mar. 16, 1994	(Ex. 1004)

D. The Asserted Grounds

RIM challenges the patentability of claims 6, 7, 15, 17, and 18 of the '828 patent based on the following grounds (Pet. 3):

1. Claims 6, 7, 17, and 18 are unpatentable under 35 U.S.C. § 102(e) as anticipated by Anderson;
2. Claims 6 and 7 are unpatentable under 35 U.S.C. § 103(a) over Nagasaki and Kagle;
3. Claims 17 and 18 are unpatentable under 35 U.S.C. § 103(a) over Nagasaki, Kagle and Jacklin; and
4. Claim 15 is unpatentable under 35 U.S.C. § 103(a) over Anderson in view of Helms and, alternatively, over Nagasaki, Kagle, and Helms.

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Under the broadest reasonable construction standard, claims are to be given their broadest reasonable interpretation consistent with the specification, reading claim

language in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004).

Preamble

In general, a preamble limits the invention if it recites essential structure or steps, or if it is “necessary to give life, meaning, and vitality” to the claim. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305 (Fed. Cir. 1999). Here, the preamble of claim 6 merely recites an intended use for the claimed apparatus, namely “for displaying image data read from a recording medium.” Further, the limitations in the claim body include substantially the same language (“image signal generating means for generating an image signal *for display based on image information read from the recording medium*” and “image displaying *means for displaying the image signal* produced by the image signal generating means”). Any prior art element that meets the limitations in the claim body also would satisfy any requirement in the preamble of claim 6. Therefore, the preamble of claim 6 does not add any further limitation that is not already present in the body of the claim. *Rowe v. Dror*, 112 F.3d 473, 478 (Fed. Cir. 1997) (Where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation.).

Means-Plus-Function Limitations

When construing a means-plus-function limitation under 35 U.S.C. § 112, ¶ 6¹, we first identify the claimed function, and then we look to the specification and identify the corresponding structure that actually performs the claimed function. *Med. Instrumentation & Diagnostics Corp. v. Elekta AB*, 344 F.3d 1205, 1210 (Fed. Cir. 2003); *Cardiac Pacemakers, Inc. v. St. Jude Med., Inc.*, 296 F.3d 1106, 1119 (Fed. Cir. 2002).

In this proceeding, RIM identifies several claim terms as means-plus-function limitations invoking 35 U.S.C. § 112, ¶ 6, and their corresponding structure for performing the claimed function. (Pet. 22-27, 29-30, 32-36, 38-39.) At the outset, we agree that each limitation identified by RIM is a means-plus-function limitation because: (1) each limitation uses the term “means” or “means for”; (2) the term in each limitation is modified by functional language; and (3) the term is not modified by any structure recited in the claim to perform the claimed function.

Because MobileMedia did not file a patent owner preliminary response, we do not have the benefit of ascertaining MobileMedia’s position on the claim construction of the means-plus-function limitations. For the purposes of this decision, we determine the claim construction based on the record before us to the extent necessary to determine whether to institute an

¹ Section 4(c) of the AIA re-designated 35 U.S.C. § 112, ¶ 6, as 35 U.S.C. § 112(f). Because the ’828 patent has a filing date before September 16, 2012 (effective date), we will refer to the pre-AIA version of 35 U.S.C. § 112.

inter partes review under 35 U.S.C. § 314(a).

In its Patent Owner Response, MobileMedia has the opportunity to inform the Board as to its construction of the means-plus-function limitations in this proceeding, or to forego doing so, leaving the Board with only the intrinsic record and RIM's construction. Any claim construction of a means-plus-function should set forth the corresponding structure disclosed in the specification that performs the claimed function, including any computer or microprocessor, computer program, and algorithm. *WMS Gaming, Inc. v. Int'l Game Tech.*, 184 F.3d 1339, 1349 (Fed. Cir. 1999) (In a means-plus-function claim "in which the disclosed structure is a computer, or microprocessor, programmed to carry out an algorithm, the disclosed structure is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm.").

For this decision, the claimed function and corresponding structure for each limitation identified by RIM are identified as follows:

1. *"Image signal generating means for generating an image signal for display" (Claim 6)*

We first identify the claimed function for this limitation to be "generating an image signal for display." In the petition, RIM asserts that the corresponding structure for this limitation is the control microcomputer 42 and image processing blocks 43 and 65 (Pet. 22-23, citing Ex. 1001, 5:51-59, 9:17-22, Figs. 6, 15). As noted by RIM, the specification of the '828 patent contains the following description related to the control

microcomputer 42 and image processing blocks 43 and 65 shown in Figure 6 (reproduced *supra*) and Figure 15 (reproduced *infra*):

For playback of an image recorded in the memory card 12, a control microcomputer 42 reads the compressed image data from the memory card 12 via a memory card controller 40 and stores it into a built-in DRAM. The compressed image data is expanded or decompressed in an image processing block 43 and stored back into the DRAM. The image data thus stored back in the DRAM is *processed by the image processing block 43 for display on the display panel 4.*

(Ex. 1001, 5:51-59, emphasis added.)

The image processing block 65 processes in a predetermined manner a digital image data read from the built-in memory 63 and supplied via the communication/medium select switch 64 or a one supplied from the socket 53 and sent via the communication/medium select switch 64, to generate image signal for display on the display panel 52.

(Ex. 1001, 9:17-22, emphasis added.)

Figure 15 of the '828 patent is reproduced as follows:

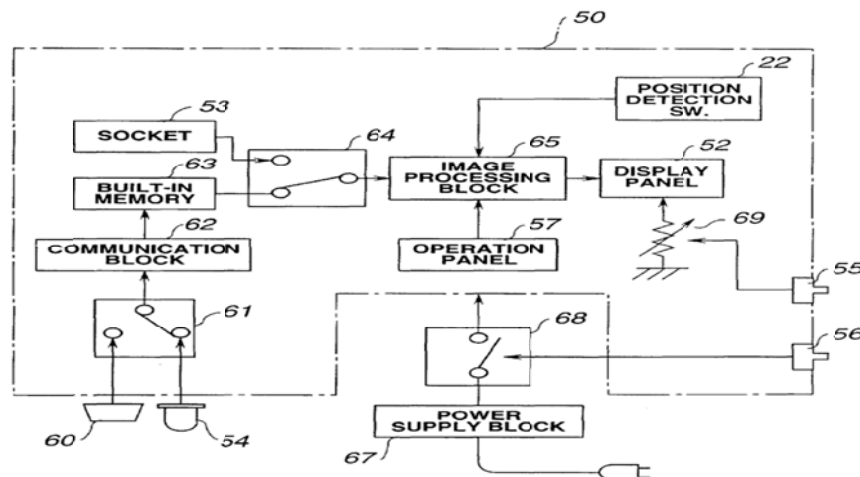


Figure 15 of the '828 patent depicts a schematic block diagram of an embodiment of the image display apparatus.

For the purposes of this decision, we therefore consider the corresponding structure for the recited function (“generating an image signal for display”) to be the control microcomputer and image processing block.

2. “Image displaying means for displaying the image signal” (Claim 6)

For this limitation, we determine the claimed function to be “displaying the image signal.” To identify the corresponding structure, we review the portions of the specification cited by RIM (Pet. 24, Ex. 1001, 3:38-39, reproduced below (with emphasis added)):

The display panel 4 is a thin, lightweight structure such as an LCD display or plasma display to display an image based on a to-be-displayed image signal supplied from an image processing block which will further be described later.

Figure 3 of the '828 patent is reproduced as follows:

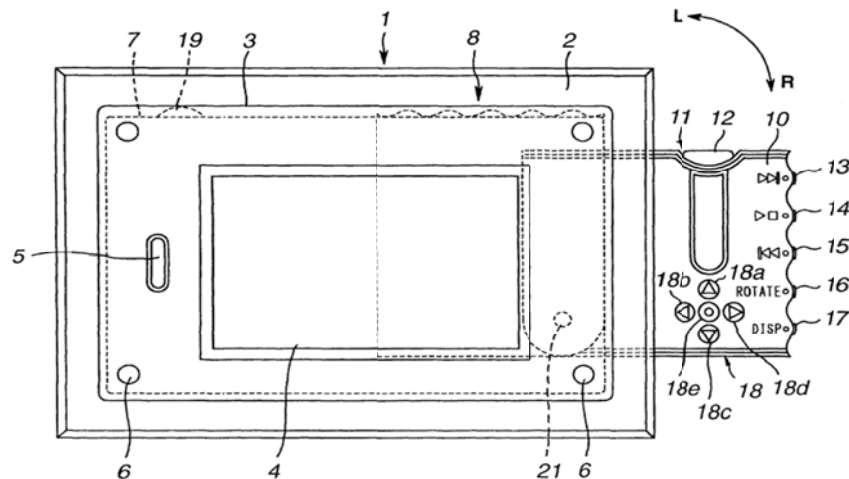


Figure 3 shows a front view of the image display apparatus.

Accordingly, for this decision, we identify the corresponding structure for performing the recited function (“displaying the image signal”) to be a display panel such as an LCD display or plasma display panel.

3. *“Means for determining a direction in which an image of the image signal is to be displayed on the image displaying means according to a posture in which the apparatus is placed and information on a direction in which an image of the image signal is to be displayed read from the recording medium” (Claim 6)*

For this limitation, we agree with RIM (Pet. 24-25) that the claimed function is “determining a direction in which an image of the image signal is to be displayed on the image displaying means according to a posture in which the apparatus is placed and information on a direction in which an image of the image signal is to be displayed read from the recording medium.” As indicated by RIM, the specification of the ’828 patent provides the following description for determining a display direction:

[A] *position detection switch* 41 is provided to detect whether the image display apparatus 1 is placed with the longer or shorter side down, and send a detection signal to the *control microcomputer* 42 which will read the displaying-direction information from the memory card 12 via the memory card controller 40. Thus the image can be displayed in the same normal direction. The position detection switch 41 may be either a type of which a moving element is moved in two directions or a type of which a pendulum type element is moved in all directions.

(Ex. 1001, 6:26-35, emphasis added.)

There is also provided a *position detection switch 66* to determine a direction in which an image is to be displayed the display panel 52 according to the posture of the enclosure 51 of the image display apparatus 50. In particular, the position detection switch 66 is a *direction select switch* to allow the user to selectively set a direction in which an image is to be displayed, an *automatic position detector* provided with a gravity sensor or the like to automatically detect in which position the image display apparatus 50 is placed and set a position in which an image is to be displayed, or the like. Note that to save the user's labor to select such a displaying direction, the *automatic position detector* should desirably be adopted in the position detection switch 66. A position detection signal from the position detection switch 66 is sent to the image processing block 65.

Therefore, *the image processing block 65* determines a direction in which an image is to be displayed on the display panel 52 according to the position detection signal, and allows to display the image on the display panel 52 in the determined direction.

(Ex. 1001, 9:27-46, emphasis added.)

For the purposes of this decision, we therefore consider the corresponding structure for this limitation to be the control microcomputer, the position detection switch, and the image processing block.

4. “Means whereby the recording medium is set into the apparatus from outside” (Claim 7)

Although this limitation recites “means *whereby*” rather than “means *for*,” we note that the phrase “means whereby the recording medium is set into the apparatus from outside” has a similar meaning as “means for

receiving the recording medium into the apparatus from outside.”

Therefore, we determine the claimed function for this limitation to be
“receiving the recording medium into the apparatus from outside.”

RIM asserts that the corresponding structure for this limitation is the socket 53 of Figure 13. (Pet. 26, citing Ex. 1001, 7:63-8:3; 8:49-54; Fig. 13.) To support that assertion, RIM directs attention to the following portions of the specification of the ’828 patent:

As shown in FIG. 13, the image display apparatus 50 comprises an enclosure 51 like a photo holder or mount having a decorative design. The enclosure 51 has provided on the front side thereof a display panel 52, infrared communication element 54, light sensor 55, human body recognition sensor 56, and operation panel 57, and on the top thereof *a socket 53 in which a memo card as an external recording medium is to be set.*

(Ex. 1001, 7:63-8:3, emphasis added.)

The socket 53 is provided for connection of an external recording medium such as a memory card as having previously been described. The image display apparatus 50 can be connected to the external recording medium via the socket 53. *The socket 53 for receiving a memory card is designed to have a memory card slot.*

(Ex. 1001, 8:49-54, emphasis added.)

Figure 13 of the '828 patent is reproduced as follows:

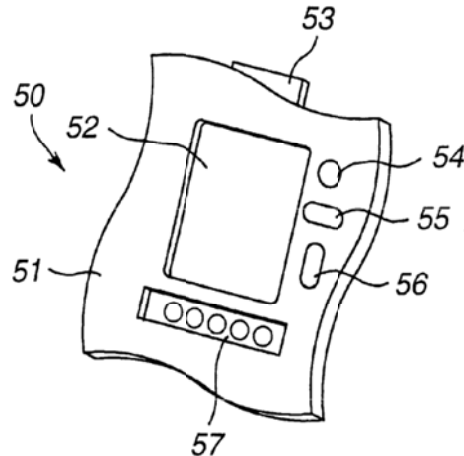


Figure 13 of the '828 patent depicts an embodiment of image display apparatus that includes a socket.

Given those disclosures in the specification, we agree with RIM that the corresponding structure for performing the recited function (“receiving the recording medium into the apparatus from outside”) is the socket 53.

5. *“Means for detecting an amount of light around the apparatus”*
(Claim 15)

We identify the claimed function for this limitation to be “detecting an amount of light around the apparatus.” For the purposes of this decision, we identify the corresponding structure for that function to be the light sensor, consistent with RIM’s interpretation (Pet. 29, citing Ex. 1001, Fig. 15; 10:63-65 (“The light sensor 55 is provided to detect the brightness around the image display apparatus 50 and supply a light detection output to a display brightness controller 69.”))

6. “Means for adjusting an operation of the image displaying means based on a detection signal from the light detecting means” (Claim 15)

For this limitation, we determine the claimed function to be “adjusting an operation of the image displaying means based on a detection signal from the light detecting means.” RIM asserts that the corresponding structure for performing that function is the display brightness controller 69 in Figure 15 (reproduced *supra*) and directs attention to the following description in the specification of the ’828 patent (Pet. 30-31, citing Ex. 1001, 10:66-11:34, emphasis added):

The *display brightness controller 69* is provided to *adjust the brightness of the display panel 52* so that the display on the display panel 52 is turned on or off *depending upon the light detection output from the light sensor 55*. That is, when the light sensor 55 detects an amount of light around the image display apparatus 50, which is larger or smaller than predetermined, the display brightness controller 69 will turn on the display panel 52. The reason why the display panel 52 is turned on when the detected amount of light is larger than predetermined is that in the day time or when an intense light of illumination exists, namely, while the amount of light is larger than predetermined, the human being is normally active and someone possibly views an image displayed on the display panel 52. Therefore, when a large amount of light is detected around the image display apparatus 50, the display panel 52 is turned on. On the other hand, it is considered that in the night or when the illumination is weak, the display on the display panel 52 is not easy to see. That is why the display panel 52 is turned on when the detected amount of light around the image display apparatus 50 is smaller than predetermined.

For the purposes of this decision, we thus consider the corresponding structure for the recited function (“adjusting an operation of the image

displaying means based on a detection signal from the light detecting means”) to be the display brightness controller.

7. “*Display mode selecting means for selecting one of a plurality of image displaying modes*” (Claim 17)

For this limitation, we identify the claimed function to be “selecting one of a plurality of image displaying modes.” RIM asserts that the corresponding structure for performing that function is a control panel with control push buttons. (Pet. 26-27, citing Ex. 1001, 11:35-45.) As noted by RIM, the specification of the ’828 patent contains the following description for the control panel (Ex. 1001, 11:35-45, emphasis added):

The *control panel 57* has provided thereon *control buttons* which are used by the user to control the operation of the image display apparatus 50. While the image processing block 65 allows operation menu items to be displayed on the display panel 52, the user *selects a desired one of the menu items by using a corresponding control button on the operation panel 57* to operate the image display apparatus 50 in *the selected mode*. Note that the operation menu items may include a function to switch on/off the human body recognition sensor 56 and light sensor 55, slide show of a digital image, fade display and the like.

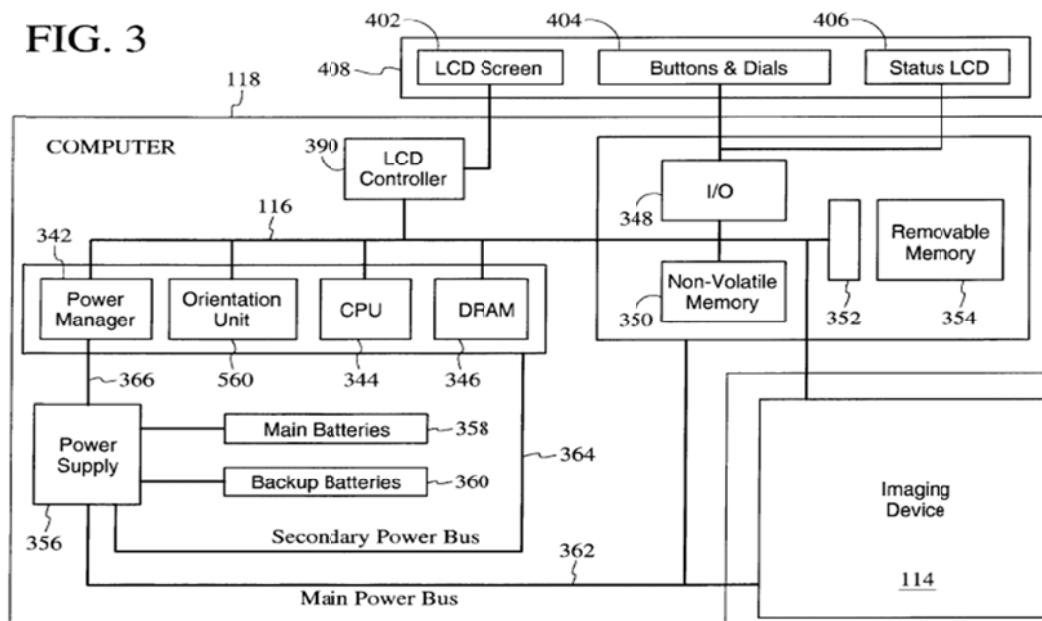
For the purposes of this decision, we therefore determine the corresponding structure for the recited function (“selecting one of a plurality of image displaying modes”) to be a control panel with control push buttons.

B. Claims 6, 7, 17, and 18 – Anticipated by Anderson

RIM alleges that claims 6, 7, 17, and 18 are unpatentable under 35 U.S.C. § 102(e) as anticipated by Anderson. (Pet. 22-28.)

Anderson describes an apparatus for viewing an image in a digital camera. (Ex. 1002, 3:55-56.) In particular, Anderson discloses an apparatus and method for rotating a graphical user interface automatically, managing portrait and landscape images, and displaying the image in the same orientation as the digital camera. (Ex. 1002, 1:20-23; 2:11-21; figs. 9 & 12.)

Figure 3 of Anderson, reproduced below, is a block diagram of an embodiment of Anderson in a digital camera:



As shown in Figure 3, Anderson's digital camera has a computer 118, a user interface 408, and an imaging device 114. The computer 118 comprises a central processing unit (CPU) 344, DRAM 346, input/output (I/O) interface 348, non-volatile memory 350, buffers/connector 352,

removable memory 354, an orientation unit 560, a LCD controller 390, and system bus 116 that connects imaging device 114 to these computer components. (Ex. 1002, 3:56-4:4.) The camera's user interface 408 includes LCD Screen 402, Buttons and Dials 404, and Status LCD 406. (Ex. 1002, 4:21-28.) To display an image stored in memory, the LCD controller 390 accesses DRAM 346 and transfers processed image data to LCD screen 402 for display. (Ex. 1002, 4:7-11.)

Figures 7A and 7B of Anderson, reproduced below, illustrate the hardware components of a digital camera user interface:

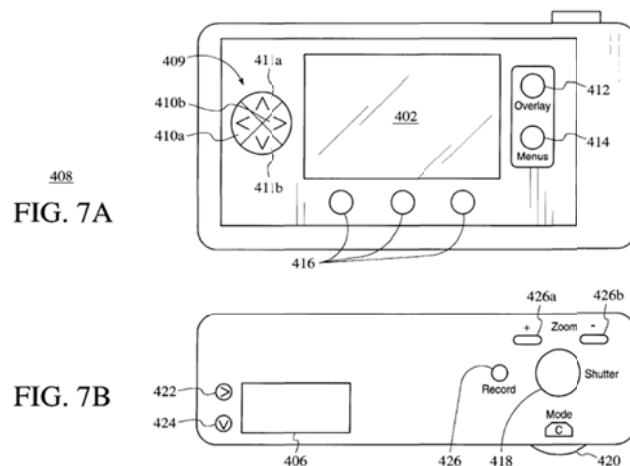


Figure 7A of Anderson is a back view of the camera showing the LCD screen 402, a four-way navigation control button 409, an overlay button 412, a menu button 414, and a set of programmable soft keys 416. (Ex. 1002, 7:26-39.) Figure 7B of Anderson, is a top view of the camera showing a shutter button 418 and a mode dial 420. (*Id.*)

Figure 12 of Anderson, reproduced below, depicts a flow diagram of a method for managing the orientation of an image:

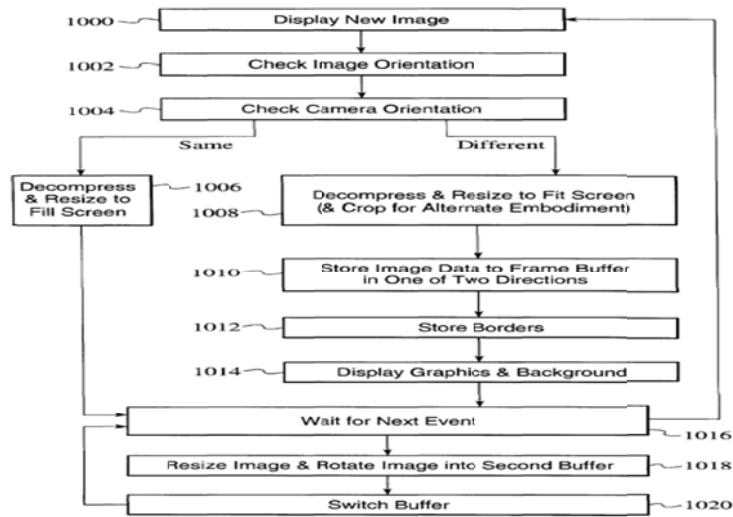


FIG. 12

As illustrated in Figure 12 of Anderson, a new image is displayed via step 1000, an image orientation is determined via step 1002, and a camera orientation is determined via step 1004. (Ex. 1002, 8:45-47.) If the image orientation and the camera orientation are the same, then the image is decompressed and resized to fill the display via step 1006. (Ex. 1002, 8:51-53.) If the image orientation is different from the camera orientation, however, the image is decompressed and resized to fit the display via step 1008 and then the image data are stored in the frame buffer in one of two directions via step 1010, depending upon how the image is to be rotated. (Ex. 1002, 8:53-61.) For instance, if the image is to be resized from a portrait image to a landscape oriented display, then the image would need to be rotated as the image is being stored in the buffer. (Ex. 1002, 8:61-64.)

Upon reviewing the cited portions of Anderson and RIM's explanations as to how each element of the challenged claims is met by Anderson, we are persuaded that RIM has demonstrated that there is a reasonable likelihood that it would prevail with respect to claims 6, 7, 17, and 18 based on the ground that Anderson anticipates these claims.

C. Claims 6 and 7 – Unpatentable Over Nagasaki and Kagle

RIM asserts that claims 6 and 7 are unpatentable under 35 U.S.C. § 103(a) over Nagasaki and Kagle. (Pet. 31-35.)

Nagasaki discloses an electronic apparatus (*e.g.*, a tablet or computer) capable of changing the orientation of a displayed picture based on the detected orientation of the apparatus. (Ex. 1004, Abs.; 1:30-33.) Figure 8 of Nagasaki, reproduced below, depicts an electronic tablet:

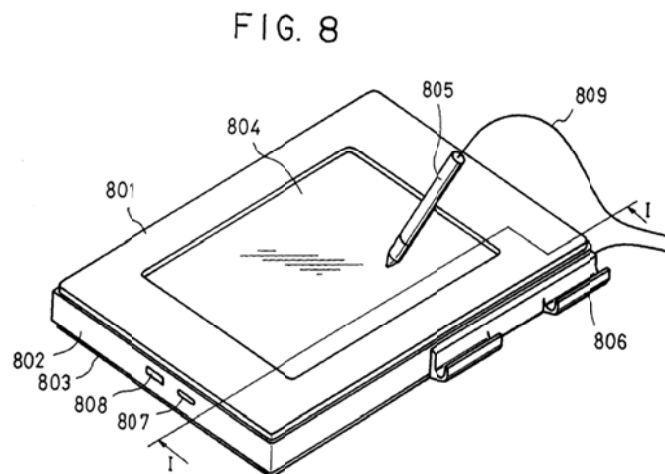
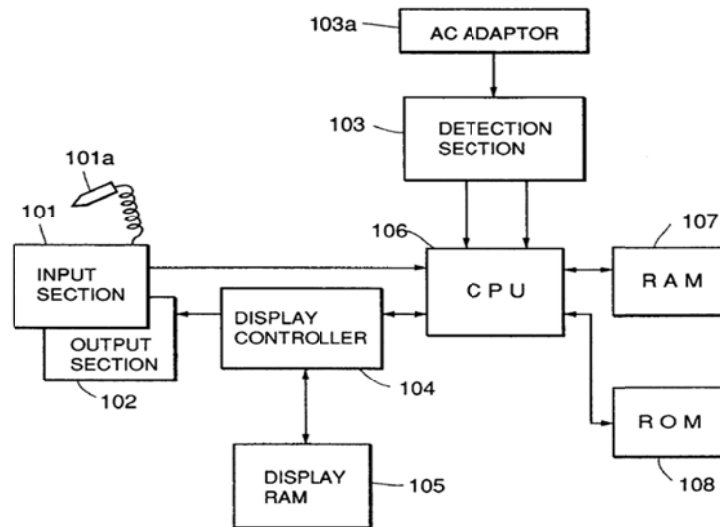


Figure 8 of Nagasaki depicts an electronic tablet.

Figure 1 of Nagasaki, reproduced below, depicts a block diagram of a computer system:

FIG. 1



Referring to Figure 1 of Nagasaki, Nagasaki's apparatus has an output section 102, *e.g.*, a LCD, a detection section 103, a display controller 104, a CPU 106, a display RAM 105, a memory RAM 107, and a memory ROM 108. (Ex. 1004, 3:40-4:15.) The detection section 103 detects the orientation of the information processor in use and sends a result of the detection to the CPU 106. (*Id.*) The CPU 106 controls the overall operation of the information processor. (*Id.*) The display controller 104 displays information or images on the output section 102 in accordance with the content of a display RAM 105. (*Id.*) The memory RAM 107 and ROM 108 are for storing display data and control procedures. (*Id.*) Nagasaki's apparatus also has a card interface that is capable of receiving an external memory card. (Ex. 1004, 14:27-35.)

However, Nagasaki's apparatus does not appear to perform the function of determining a direction in which an image of the image signal is to be displayed on the output section according to *information on a direction in which an image of the image signal is to be displayed read from the recording medium*. Nevertheless, RIM relies upon Kagle to describe that claimed feature. (Pet. 33-34.)

Kagle describes a digital camera that has a sensor that indicates orientation of the camera at the time an image is captured. (Ex. 1005, 1:65-67.) In particular, Kagle's camera creates an image object in a predefined image format that indicates correct orientation of the image based on the orientation of the camera when the image was captured. (Ex. 1005, 1:67-2:4.) Kagle's invention eliminates the time-consuming step of previewing each picture as it is downloaded to a personal computer. (Ex. 1005, 4:51-53.) In one of Kagle's embodiments, orientation information supplements actual pixel data, allowing the personal computer to rotate pictures automatically that were taken with the camera in a non-default orientation. (Ex. 1005, 4:53-57.) In another embodiment of Kagle, the camera itself automatically rotates the images before saving them or transferring them to a personal computer or other storage device. (Ex. 1005, 4:57-59.)

The explanations provided by RIM as to how each element of claims 6 and 7 is met by the combination of Nagasaki and Kagle have merit and are un rebutted. Further, RIM articulates a rationale to combine the cited prior art references. (Pet. 34.) Based on this record, RIM has demonstrated that

there is a reasonable likelihood that it will prevail on its assertion that claims 6 and 7 are unpatentable over Nagasaki and Kagle.

D. Claims 17 and 18 – Unpatentable Over Nagasaki, Kagle, and Jacklin

RIM asserts that claims 17 and 18 are unpatentable under 35 U.S.C. § 103(a) over Nagasaki, Kagle, and Jacklin. Claim 17 depends from claim 6 and further adds the limitation “display mode selecting means for selecting one of a plurality of image displaying modes.” Claim 18 depends from claim 17 and recites the following additional limitations: (1) “wherein the image signal generating means generates an image for each of a plurality of menu items indicating the plurality of image displaying modes;” and (2) “one of the plurality of menu items is selected by the display mode selecting means.” RIM relies upon Jacklin to meet the additional limitations recited in claims 17 and 18. (Pet. 35-37.)

Jacklin discloses an electronic picture frame for displaying digital images. (Ex. 1006, 1:5-16.) Jacklin’s electronic picture frame provides option buttons and setup parameters, which allow the operator to select the display modes, such as photograph sizing and shading, and automatic rotation of displayed photographs. (Ex. 1006, 6:44-54; 11:66-12:7.)

The explanations provided by RIM as to how each element of claims 17 and 18 is met by Jacklin are persuasive. Further, RIM articulates a rationale to combine the cited prior art references. (Pet. 36.) On this record, RIM has demonstrated that there is a reasonable likelihood that it

will prevail on its assertion that claims 17 and 18 are unpatentable over Nagasaki, Kagle, and Jacklin.

E. Claim 15 – Unpatentable Over Anderson in view of Helms and, alternatively, over Nagasaki, Kagle, and Helms

RIM alleges that claim 15 is unpatentable under 35 U.S.C. § 103(a) over Anderson in view of Helms and, alternatively, over Nagasaki, Kagle, and Helms. (Pet. 29-31; 37-40.) Claim 15 depends from claim 6 and further recites the following limitations: (1) means for detecting an amount of light around the apparatus; and (2) means for adjusting an operation of the image displaying means based on a detection signal from the light detecting means. RIM relies upon Helms to meet those additional limitations. (*Id.*)

Helms discloses a system for adjusting automatically the brightness of a LCD responsive to the amount of ambient light. (Ex. 1003, 1:5-8.) In particular, Helms describes a system having at least one photodetector or light sensor for detecting a level of ambient light and for generating signals to indicate ambient lighting conditions. (Ex. 1003, 3:15-22.)

Figure 2 of Helms, reproduced below, depicts a block diagram showing a photodetector and a brightness control circuitry:

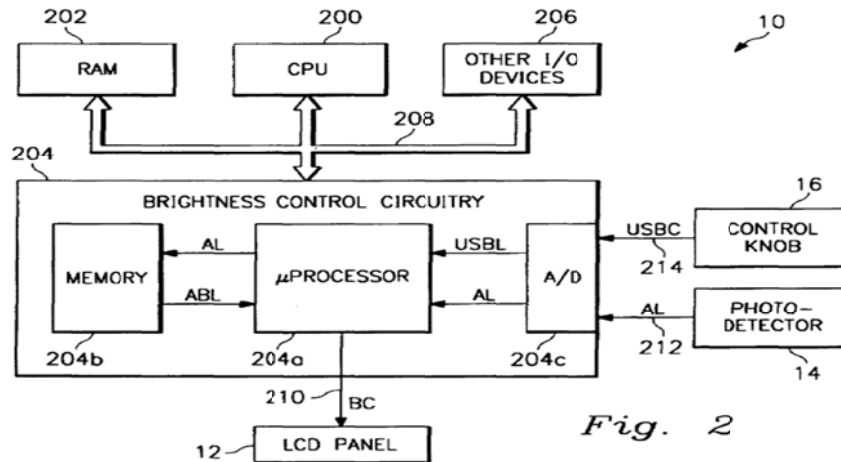


Fig. 2

As illustrated in Figure 2 of Helm, the signals generated by the photodetector 14 indicative of the ambient light level are input into the brightness control circuitry 204 for controlling the brightness level of the LCD. (Ex. 1003, 3:39-50.) The brightness control circuitry 204 ensures that the brightness level of the LCD is set automatically to the level dictated by the current ambient lighting conditions. (Ex. 1003, 4:52-55.) The brightness control circuitry 204 also has the capability to take into account the user's preferences. (Ex. 1003, 6:19-23.) For example, the brightness control circuitry 204 may have a neural network for "learning" the user's preferred brightness settings in various ambient lighting conditions. (Ex. 1003, 6:33-40.)

RIM's analysis is persuasive and unrebutted. RIM also asserts that it would have been obvious to provide Anderson's camera (and alternatively Nagasaki's computer) with Helm's photodetector and brightness control circuitry because it would reduce power consumption. (Pet. 29-30, 38). We believe that RIM's suggestion for modifying Anderson (and alternatively

Nagasaki) with Helms provides a rationale to support its assertion of obviousness.

On this record, RIM has demonstrated that there is a reasonable likelihood that it will prevail on its assertion that claim 15 is unpatentable over Anderson in view of Helms and, alternatively, over Nagasaki, Kagle, and Helms.

III. CONCLUSION

For the forgoing reasons, we determine that the information presented in RIM's petition shows that there is a reasonable likelihood that RIM would prevail with respect to claims 6, 7, 15, 17, and 18 of the patent '828.

IV. ORDER

Accordingly, it is

ORDERED that pursuant to 35 U.S.C. § 314, an *inter partes* review is hereby instituted for the following grounds:

1. Claims 6, 7, 17, and 18 under 35 U.S.C. § 102(e) as being anticipated by Anderson;
2. Claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Nagasaki and Kagle;
3. Claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Nagasaki, Kagle and Jacklin; and
4. Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Helms and, alternatively, over Nagasaki, Kagle,

Case IPR2013-00016
Patent 6,441,828

and Helms;

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(d) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial is commencing on the entry date of this decision; and

FURTHER ORDERED that an initial conference call with the Board is scheduled for 11:00 AM Eastern Time on April 1, 2013; the parties are directed to the Office Trial Practice Guide, 77 *Fed. Reg.* at 48765-66, for guidance in preparing for the initial conference call, and should come prepared to discuss any proposed changes to the Scheduling Order entered herewith and any motions the parties anticipate filing during the trial.

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